

### **Remarks/Arguments**

The Non-Final Office Action mailed August 2, 2006 and the reference cited therein have been carefully considered. Applicants have amended the claims to more clearly define the invention. Also, Applicants have added two new independent Claims 12 and 13. Therefore, Claims 1-13 are currently pending in this application. Applicants respond specifically below to the issues raised in the subject Office Action and respectfully request reconsideration thereof.

In the Office Action, Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting such phrases as “other grating constants” and “some similar structure.” Applicants have hereby deleted such phrases and therefore request that this rejection be withdrawn.

Additionally, in the Office Action, Claims 1, 2, 5 and 8-11 were rejected as being unpatentable over Published Patent Application US2005/0073746 A1 to Kleeman et al. (*Kleeman*). Applicants respectfully traverse this rejection and request further consideration in light of the amendment above and the arguments presented below.

Independent Claim 1 as originally presented, was directed to a layer arrangement that included a grating structure which is varied continuously to form “a binary structure or some similar structure....” Claim 1 has been amended to recite a grating structure that includes only a binary structure. Such a binary structure is described in further detail in the subject specification at page 9, second full paragraph. Consequently, *Kleeman* does not disclose or suggest the present invention, as recited in amended Claim 1. Additionally, new Claim 12 has been added to separately recite the structure that includes first walls that are substantially perpendicular to a principal plane of the interface surface and second walls that are angled relative to the principal

plane. Also, the subject matter of Claim 3, for which no prior art rejection was previously made, has been incorporated into new Claim 12. Finally, new Claim 13 has been added to alternatively recite the two embodiments addressed in Claims 1 and 12 above.

In view of the foregoing remarks, reconsideration and allowance are respectfully solicited. If the Examiner has any questions or suggestions of possible amendment for allowance, she is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

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